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PATENT  
2761-0138P



IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Deepak PENTAL et al. CONF.: 2170  
SERIAL NO: 09/633,274 GROUP: 1638  
FILED: August 4, 2000 EXAMINER: A. Kubelik  
FOR: REGULATION OF LETHAL GENE EXPRESSION IN  
PLANTS

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

February 6, 2003

Sir:

Further to Applicants' Request for Reconsideration under 37 C.F.R. § 1.114 filed on January 7, 2003, the following preliminary remarks and amendments are respectfully submitted in connection with the above-identified application.

**IN THE CLAIMS:**

Please cancel claims 11, 31, and 32 without prejudice or, or disclaimer of, the subject matter recited therein.

Please amend the following claims:

1. (Three Times Amended) An insulator construct for controlling leaky expression of a lethal gene from enhancing functions of a strong constitutive promoter present in the said insulator construct following integration into the genome of a plant, said insulator construct comprising: